

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

November 2, 2011

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:07 a.m. on November 2, 2011.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown
Michael Christoffersen
Tom Cloud
David Hannum, Chairman
John Hawkins
Ted Ogle, Vice-Chairman

Commissioners not present at the Commission meeting:

Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor
Todd Hite, representing the Commissioner, Department of Health
Matt Mitchell

- (b) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services
Shelly Wakefield, Manager, Code Technical Development
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
John Haines, Code Specialist
John Hibner, Code Specialist
Beth Sutor, Commission Secretary

- (c) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the October 4, 2011 meeting as distributed. A motion to approve the minutes was made by Commissioner Christoffersen, and seconded by Commissioner Brenner. It was voted upon and carried.

3. Reconsideration of Variance #11-09-19 Monkey Joe's, Indianapolis

Mara Snyder, Director, Legal and Code Services, brought this approved variance back for discussion by the Commission. It was discovered that one wall, believed to be masonry at the time of the application, was in fact not masonry. The request by the proponent, Ed Rensink, RTM Consultants, was to amend the application to show that the tenant space was separated by 2-hour fire barriers. The facility is an A-3 occupancy used for children's parties. Following discussion, Commissioner Christoffersen moved to approve the amendment of the application to provide separation with 2-hour fire barriers. Commissioner Ogle made the second. It was voted upon and carried.

4. Reconsideration of Variance #10-09-35(a) Geist Chapel, Indianapolis

Max Anders, Senior Pastor of Geist Chapel, requested that the condition of the fire-rated corridor be removed from the approved variance. They had met with the local fire officials, and had reached an agreement which would allow them to move the corridor to the back of the deck if it must still be a condition. A lengthy discussion was held concerning the occupant load, number and location of exits. Variance (b) was also discussed. This was to omit the code-required fire alarm system. They would provide smoke detectors, exit signs, posted exit maps, and fire extinguishers. Commissioner Hawkins moved to approve, with the second by Commissioner Ogle. It was voted upon and did not carry. Commissioner Ogle then moved to table both (a) and (b), with a request that they return with a plan showing the revised additional exit from the Nave to the deck. The second was made by Commissioner Brenner. It was voted upon and carried.

5. Discussion of Variance #11-10-39 Ascension Health Ministries Service Center, Indianapolis

Mara Snyder, Director, Legal and Code Services, explained to the Commission that the signature pages for the variance were to have been submitted to staff within ten business days per condition of approval. They had received the pages on November 1, 2011. The proponent's request was to amend the condition to November 2, 2011. Commissioner Christoffersen so moved, with the second by Commissioner Brenner. It was voted upon and carried.

6. Discussion of changes to proposed LSA Doc. #11-448 (proposed Plumbing Code)

Mara Snyder, Director, Legal and Code Services, asked if the Commission had any concerns about the proposed Plumbing Code language. When none were offered, she advised the Commission that LSA Doc. #11-448, the proposed Plumbing Code, would be submitted to the State Budget Agency on November 3, 2011.

7. Discussion and possible adoption of LSA Doc #11-84 (Proposed amendments to Chapter 11 of the 2005 Indiana Residential Code)

Mara Snyder, Director, Legal and Code Services, noted that copies of the October 26, 2011 memo from John Hibner, Code Specialist, and a copy of Chapter Four of the 2009 International Energy Conservation Code had been provided for the Commissioners. She explained that they had worked with legal counsel to make sure the amendments were accurate in terms of the Commission's direction to incorporate performance-based measures to achieve compliance. Commissioner Brown stated he felt that life safety issues had not been given consideration, and that he felt compelled to vote nay in protest. Commissioner Cloud moved to approve LSA Doc. #11-84, as published in the Indiana Register on August 3, 2011, at DIN:20110803-IR-675110084PRA, as amended by the proposed amendments contained in the memorandum from John Hibner dated October 26, 2011. Commissioner Christoffersen made the second. It was voted upon and carried, with one nay vote being cast.

8. Discussion of requested changes from Commission members to draft rules for NFPA 13 and NFPA 13R

Mara Snyder, Director, Legal and Code Services, noted that Denise Fitzpatrick had not received any concerns from members of the Commission, and that staff would move forward with the adoption process.

9.

Variances.

Tabled Variances.

The proponent for Variance 11-09-10 Bonn Building, Fishers, requested it be tabled. Commissioner Hawkins moved to table pending notification of completion, with the second by Commissioner Ogle. It was voted upon and carried. Variance 11-09-45 Fitness Center Expansion, Indianapolis, did not have a proponent present. Based on staff's recommendations, Commissioner Christoffersen moved to deny, with the second by Commissioner Cloud. It was voted upon and carried. Variance 11-09-62 King Systems Dip Line Project, Noblesville, had been withdrawn by the proponent. Variance 11-10-1 Buck Creek School, LaGrange, was represented by Orie Lehman, contractor. The request was to omit illuminated exit signs. The Amish school will provide reflective exit signs, smoke detectors, fire extinguishers, and egress windows per code. Commissioner Christoffersen moved to approve, with the second by Commissioner Cloud. It was voted upon and carried. The proponent for Ivy Tech Fall Creek Expansion had not yet arrived. The variance was moved to the end of the agenda. Variance 11-10-6 Westgate Commons, Wheatfield, had no proponent available for questions. Commissioner Brown moved to table, with the second by Commissioner Ogle. It was voted upon and carried. Variance 11-10-10(a)(b) INDOT Albany Propane Fueling Station, Albany, was to be tabled at the request of the proponent. Commissioner Hawkins moved to table, with the second by Commissioner Brenner. It was voted upon and carried. Variance 11-10-14(a)(b) MASJID-E-NOOR, Indianapolis, was represented by Tim Callas, J & T Consulting. He noted that they had a potential third variance for this project. Variance (a) was to allow the building to be over area for an A3 occupancy. The owner wished to put in a prayer area to be used 5 times a day by 10-15 people. The building, of wood frame construction, was not sprinklered, but had three exits from the area. Mara Snyder suggested they table until all three variances are submitted. Steve Jones, Pike Township Fire Department, stated his department had concerns about the variances. Commissioner Ogle moved to table, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance 11-10-16 R.H. Yoder Woodworking, Shipshewana, was represented by Paul Kimmerle. The request was to omit the sprinkler system for the facility. A dust collection system will be installed per NFPA 664, and fire walls will reduce the fire areas to 12,000 square feet. This rural Amish area does not have city water, nor is it likely to become available in the near future. Following discussion, Commissioner Christoffersen moved to approve both 11-10-16 and 11-10-17 J & R Woodworking LLC, LaGrange, and identical application by Paul Kimmerle. Commissioner Brenner made the second. It was voted upon and carried, with one nay. Variance 11-10-27, Park 16 Community Center, Indianapolis, was represented by Jason Burk. An existing school had been remodeled to include office space on the second floor, and mixed occupancy on the first floor. A community room had two exits which did not meet the separation requirements. The request was to allow this condition. The entire building was to be sprinklered by the end of the renovation, and the community room was to be separated. The plans which were submitted with the application had not been brought to the meeting, and the application was to be heard following their retrieval. Variance 11-10-29 Lilly K362 Development Lab Building, Indianapolis was to be tabled at the request of the proponent. Commissioner Ogle moved to table, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance 11-10-30(a)(b)(c) Main Gate Restaurant and Sports Bar, Evansville, was represented by Ben Miller, City of Evansville. A previous variance had allowed an occupancy of the first floor of 99 persons, no use of the basement or second floor, and use of the mezzanine for office only. Kurt John, one of the owners, addressed the Commission. He noted the entire building would be fully sprinklered, and requested a year in which to finance the estimated \$80,000 cost. The occupancy would be kept at 99 for the first floor, and 49 for the dining area on the second floor. The business is separated from their neighbors by masonry walls to the parapet. The assembly area on the second floor has only one exit but needs two. Lonnie Lagle, Fire and Building Code Enforcement, advised the Commission that Erica Cooley, the local State inspector, had concerns about variances. The possible use of the apartment's exit by the assembly area occupants was discussed, with the owner stating he would work with the building owner to make it happen. Following further discussions, Commissioner Brown moved to approve with the condition that: the building must be sprinklered by May 2, 2012; the apartment was to be used for a second exit until the building is sprinklered; the second floor assembly occupancy occupant load would be placed at 49. Commissioner Brenner made the second. A question was raised about the use of the mezzanine. Commissioner Brown amended his motion to include the mezzanine was not to be used as anything but office space until the building was sprinklered and a second compliant exit stair from the mezzanine was installed. Commissioner Brenner agreed to the amendment. It was voted upon and carried.

Variance 11-10-34 901 N. Dunn Windows, Bloomington, was now complete. Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance 11-10-27 Park 16 Community Center, Indianapolis, plans had been delivered, and discussion was reconvened. The plans showed a diagonal distance of 63'6" for the room, and exits at 10' apart. The building was historic, and modifications would cause problems. The request was to allow the noncompliance of the separation of exits. This would allow the use of Chapter 34 to reuse this building. Commissioner Ogle moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

10. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:45 am for a short break. He then reconvened the meeting at 10:57 am.

11-10-6 Westgate Commons, Wheatfield, was now represented by Don Meyers, contractor. When getting bids for a sprinkler system, the contractor had suggested the use of a 13D system, and he now requested the use of the system. Commissioner Brown moved to approve using a 13D sprinkler system, with the second by Commissioner Hawkins. It was voted upon and carried.

Regular Variances.

Chairman Hannum addressed the public in attendance. He noted that there were an increasing number of tabled and late completion of applications. Staff had asked that the submission of missing, required information not be allowed on the day of the Commission meeting. Chairman Hannum agreed, and advised that this practice would no longer be allowed.

Chairman Hannum called for any abstentions. Commissioner Cloud abstained from voting on 11-11-16, Indiana State University Union Conference Center, Terre Haute. Commissioner Brown called out variance 11-11-37 McDonalds #13-0318, Goshen. Variance 11-11-17(a)(b) Forest Hills of Brown County, Gnaw Bone, was noted as being incomplete. Commissioner Ogle moved to table, with the second by Commissioner Brenner. It was voted upon and carried. Chairman Hannum then called for a motion for the remaining "A" and "B" variances. Commissioner Christoffersen moved to approve the remaining "A" and "B" variances, with the second made by Commissioner Brenner. It was voted upon and carried.

The following variances were approved as submitted:

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|------|----------|---|
| (1) | 11-11-1 | 210-214 E. 17 th Street Windows, Bloomington |
| (2) | 11-11-2 | Wal-Mart Store #4631, Hammond |
| (3) | 11-11-5 | Kaplan Residence Pool Steps, Zionsville |
| (4) | 11-11-6 | Carmel Wal-Mart Store #1601, Carmel |
| (5) | 11-11-12 | The Woodlands – 2323 Winding Brook Ct, Bloomington |
| (6) | 11-11-13 | The Woodlands – 2301 Winding Brook Ct, Bloomington |
| (7) | 11-11-16 | Indiana State University Union Conference Center, Terre Haute |
| (8) | 11-11-24 | Plainfield Middle School, Plainfield |
| (9) | 11-11-27 | 3514 S. Oaklawn Circle Windows, Bloomington |
| (10) | 11-11-34 | Comlux Temporary Hanger, Indianapolis |
| (11) | 11-11-36 | Clinton Indiana Railroad Freight Depot Restoration Project, Clinton |

The following variances were heard separately:

- (12) 11-11-4 Parkside Trace Apartments 3-Bedroom Unit, Charlestown

Richard Hart, Studio Kremer Architects, spoke as proponent. The request was to omit sprinklers in three-bedroom units. Clayton Petyon, contractor, advised the Commission that the building was part of the original 2009 variance for the development, and was not an additional building. The sixteen units were

just being changed from two-bedroom units to three-bedroom units. The units were to be separated by two-hour firewalls, two-hour fire barriers between the breezeways, and one-hour assemblies between the first and second floors. The variance was supported by the local officials. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried with two nays.

(13) 11-11-7 Kokomo Elks #190, Kokomo

Karen Davis, Manager, and Rod Barrett, American Elevator, spoke as proponents. Commissioner Corey had advised staff that if the unit complied with A17.3, he would have no objection to the variance. Mr. Barrett explained that this unit does not have, and has never had, a toe guard. The guard is required, and he cannot comply with that part of the code. Following discussion, Commissioner Christoffersen moved to approve with the condition that the unit comply with A17.3, except for the toe guard, with the second by Commissioner Brenner. It was voted upon and carried.

(14) 11-11-8 Ebbert Building Lift, Anderson

James Willey, Ivy Tech, spoke as proponent. Ivy Tech wished to install a chair lift, but the stairway does not have compliant headroom in one location. A load-bearing beam prohibits modification of the stairway. The request was to allow non-compliant clearance in one location. An evacuation chair was to be installed, and staff trained in its use. Chris Dufek, Midwest Elevator, was to install signage about the low overhead clearance, and offered to pad the area. The lift is a constant pressure control model, and a remote attendant operator was to be installed. Following discussion, Commissioner Ogle moved to approve with the condition the low area be padded, signage installed and a remote attendant provided. The second was made by Commissioner Brenner. It was voted upon and carried.

(15) 11-11-9(a)(b) A-Fab LLC Addition, Boonville

Ed Rensink, RTM Consultants, spoke as proponent. A sprinklered addition was being constructed to connect two sprinklered, existing buildings. The request was to omit a fire wall where the addition connects to the east building, due to the offsets in the existing building. A sprinkler curtain along the wall was to be provided. Following discussion, Commissioner Ogle moved to approve both (a) and (b). The second was made by Commissioner Hawkins. It was voted upon and carried.

(16) 11-11-10 Polk Place, Greenwood

Ron Wilder, Beaman Associates, spoke as proponent. A basement sprinkler system, installed in the 1970's, cannot be connected to a water supply due to easement and other water company issues. The request was to allow a dry system for fire department use. The building is used for offices, and storage in the basement is for office supplies. The Greenwood Fire Department had submitted a letter requesting that the existing system be tested and serviced, a connection to be approved by the Greenwood Fire Department, and that monitored smoke detectors be installed in the basement. Commissioner Brenner moved to approve with the condition the owner comply with the fire department requests. Commissioner Ogle made the second. It was voted upon and carried.

(17) 11-11-11 Jacob's Well, Utica

Nathan Grimes, Renaissance Design Build, Inc, and Kevin Williar, minister, spoke as proponents. The building, once a school, was now owned by the town. Jacob's Well, a ministry for battered women, was to lease the building. Two wings were to be residential and the third will remain as classrooms. The request was to omit sprinklers. Sleeping room doors, with panic hardware, will exit directly to the exterior. Horns and strobes were to be installed. There was no cooking or smoking allowed, and staff was

to be on site 24/7. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote.

- (18) 11-11-14 Joint Force Headquarters Addition/Alteration, Indianapolis

David Cook, Ralph Gerdes Consultants, spoke as proponent. An existing military headquarters building would not be allowed to be as large as desired due to lack of 60 feet of side yards separating it from other existing buildings. The building and additions will be sprinklered, with an upgrade to Ordinary Hazard Group One. This is required by the Department of Defense, which owns the building and was funding it. The local fire officials do not object. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

- (19) 11-11-15 Rolling Maul Soccer Complex, Lafayette

Tim Callas, J&T Consulting, spoke as proponent. The new Type IIB construction soccer facility will be over area for type of construction. A two-story accessory building will be separated by a firewall, and be fully sprinklered. The building was to be used for soccer practice only, with no seating, and all fuel-load items to be separated in the accessory area. When asked what the practice field surface would be made of, the proponent stated he did not know. He further stated that if artificial turf were used, they would meet NFPA 701 requirements. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (20) 11-11-18 The Carmel Apartments, Carmel

The proponent withdrew the application.

- (21) 11-11-19 Coal Pizza, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. An existing restaurant was to install a coal-fired pizza oven that will have a chimney discharging into an alley at 7'6" from the center line of the alley. Code requires 10 feet. The fuel was explained to be lump charcoal, a wood product that burns at a higher temperature than wood. Following discussion of the oven's rating, Commissioner Ogle moved to table to allow the proponent time to gather further information on the oven. Commissioner Brenner made the second. It was voted upon and carried.

- (22) 11-11-20 Ford Center, Evansville

Andrew Newman, Howe Engineers, spoke as proponent. A previous variance had been granted to omit sprinklers over a seating area in the arena. The purpose of this variance was to make sure there were no conflicts with the previous variance and to allow the use of the playing floor for events other than those that were listed in the original variance. Following discussions, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (23) 11-11-21(a)(b) Ivy Tech Corporate College and Conference Center, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. In variance (a) the request was to be allowed to lock the stairway doors from the residence side to prevent re-entry from the exit stairway. All doors will open at all times in the direction of egress. The locks will fail open upon activation of fire alarm or sprinkler, and upon loss of power. The building will be sprinklered. T.J. Burns, Indianapolis Fire Department, asked for a Knox Box at each entry on each stair on the main floor, with the owner agreeing to the request. Commissioner Christoffersen moved to approve, with the condition that a Knox Box be

provided as requested. Commissioner Brenner made the second. It was voted upon and carried. Variance (b) was a request to be allowed to use the corridors for return air on the second and third floors. The existing floor-to-deck height of 8'8" would not allow the installation of ductwork within the corridors. Following discussion, Commissioner Hawkins moved to approve, with the condition that smoke detectors within the corridors must shut down the HVAC system. Commissioner Christoffersen made the second. It was voted upon and carried.

- (24) 11- 11-23 St. Patrick Church - John Paul II Center Addition, Kokomo

Ed Rensink, RTM Consultants, spoke as proponent. An addition to the historic 1911 church was to be one story above grade and a basement. There are issues with the exterior and roof line differences. The request was to be allowed to use a sprinkler curtain instead of a fire wall. The basement was to be sprinklered, and additional sprinklers were to be added at the vestibules. Closers were to be added to the doors. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Ogle. It was voted upon and carried.

- (25) 11-11-25 Summit Middle School, Ft. Wayne

Dennis Bradshaw, FP&C Consultants, spoke as proponent. Sprinklers over the 1989 swimming pool are no longer functional. The request was to be allowed to remove them from the pool and observation area. The sprinklers in the remaining area will be maintained. Jim Maura, Ft. Wayne Fire Department, did not object to the variance. Commissioner Christoffersen moved to approve, with the second by Commissioner Cloud. It was voted upon and carried.

- (26) 11-11-26 Speed Pro Imaging Build-out, Lafayette

Kelly Good, KJG Architects, spoke as proponent. When plans for the facility had been filed, steel studs were shown as being used. At the site, the contractor had asked local officials if he could use wood instead, and was incorrectly told yes. A variance was now required to allow the use of wood studs. The local fire officials are not opposed. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (27) 11-11-29 22 Dorman Avenue Improvements, Greendale

Chris Harmeyer, Hrezo Engineering, spoke as proponent. The building had been an elementary school, was converted to multi-family residential, and then to a Class 2 structure. The owner wanted to reopen the building as an 8-unit multi-family facility, but did not want to install sprinklers as required by code. The cost to install sprinklers had been quoted as \$34,000. Al Putnam, Greendale Building Commissioner, also addressed the Commission, and suggested the owner contact the Grant Committee of Greendale for help. Following further discussion, Commissioner Ogle moved to table, with the second by Commissioner Hawkins. It was voted upon and carried.

- (28) 11-11-30(a)(b) Trader's Point Creamery Kitchen Addition, Zionsville

Dave Cook, Ralph Gerdes Consultants, spoke as proponent. An existing historic barn was being used by the dairy business. Variance (a) was to allow a three-story open stairway. The building was to be protected by an NFPA 13 sprinkler system, and a draft curtain and close spaced sprinklers were to protect the stairway. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance (b) was to allow an exit for the second floor to exit through the kitchen, a condition not allowed by code. The building was to be protected by an NFPA 13 sprinkler system. Steve Jones, Pike Township Fire Department, also addressed the Commission. He had been in meetings with the owners, and it had been agreed that the cooking appliances were to be moved so as to not affect the stairway and exiting. Following further discussion,

Commissioner Hawkins moved to approve, with the second by Commissioner Ogle. It was voted upon and carried with one nay vote being cast.

11. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 12:45 p.m. Vice- Chairman Ogle then reconvened the meeting, calling it back to order at 12:55 p.m. Commissioner Hannum was no longer in attendance.

- (29) 11-11-31 Waterford Gardens Condominiums, Fishers

Ken Sebree, Sebree Architects, spoke as proponent. One 4-unit condominium building was to be built within an existing, unsprinklered complex. The request was to allow the use of a 13D sprinkler system in lieu of the required 13R system. All units are ground-floor with direct exit to the exterior, egress windows and smoke detectors. Commissioner Brown moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (30) 11-11-32 Lapel High School, Lapel

Sterling Boles, Assistant Superintendent, spoke as proponent. A wooden mezzanine had been constructed in a storage room off the gymnasium to be used for winter storage of off-season athletic equipment. The room was constructed of cinder block, locked with restricted adult access, and sprinklered. Sprinklers would be installed under the mezzanine if the variance were granted. Following discussion, Commissioner Hawkins moved to approve with the condition that sprinklers be installed under the mezzanine. Commissioner Brenner made the second. It was voted upon and carried.

- (31) 11-11-33 New Eden Care Center, Topeka

Orie Lehman, contractor, spoke as proponent. Owner of the facility, Ivan Hochstetler, was also present. The facility, a birthing center in a rural, Amish area, serves non-insured public, approximately six to eight patients per day. The addition was to be separated by a two-hour fire wall. Water was provided by a four inch well. The request was to omit the sprinkler system due to the costs involved. Commissioner Hawkins suggested they consider using a system he had used on other rural projects comprised of a storage tank, plumbing and piping which provided approximately 15 minutes of protection. This would allow occupants time to safely exit the facility. Commissioner Christoffersen moved to table to allow the proponent time to provide costs for a sprinkler system, and the modified sprinkler system. Commissioner Brenner made the second. It was voted upon and carried.

- (32) 11-11-35 Campus Apartments, Indianapolis

Tim Callas, J & T Consulting, spoke as proponent. Also presenting was Ed Rensink, RTM Consultants, Mark Smith, designer of record, and Russ Sauer, Van Rooy Properties. The building had been renovated from Section 8 to market rate property, and had been cited for no sprinklers. This had been triggered by the addition of balconies to the units. Ed Rensink stated he did not believe that balconies added to the fire area of the building. Following discussion, Commissioner Brenner moved that no variance was required, with the second by Commissioner Christoffersen. It was voted upon and did not carry. Commissioner Hawkins moved to approve, with the second by Commissioner Cloud. It was voted upon and carried with one nay vote. It was the consensus of the Commission that balconies were not to be considered part of the fire area, nor used in the calculation of occupant load. Staff was instructed to provide Commission with a draft non-rule policy for their consideration.

- (33) 11-11-37 McDonalds #13-0318, Goshen

Christina Colleter, RTM Consultants, spoke as proponent. The variance had been called out by Commissioner Brown. The request was to omit sprinklers. The remodeling of the accessible areas increased the size of the building, which triggered the sprinkler requirement. Sprinklers had not been required in the original building, and separating the kitchen with a fire wall in the existing building would be difficult. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried, with one nay.

- (34) 11-11-38(a)(b) IU Health West Modular MRI, Avon

Melissa Tupper, RTM Consultants, spoke as proponent. The MRI was to be housed in a modular , prefab building. In variance (a) the request was to allow the exterior wall of the MRI unit to be a two-hour wall instead of having two one-hour exterior walls. Variance (b) was a request to permit a two-hour fire barrier to separate the addition from the existing building. The addition was structurally independent from the existing building. Following discussion, Commissioner Christoffersen moved to approve both (a) and (b). Commissioner Brenner made the second. It was voted upon and carried.

- (35) 11-11-39 Indianapolis Downtown Artists and Dealers Association Art Pavilion, Indianapolis

Ed Rensink, RTM Consultants, Mark Rushman and Nancy Lee, association members, spoke as proponents. The request was to allow the temporary use of the old Indiana State Museum building for three weeks for Super Bowl events. They would not use the basement, beyond the restroom facilities, for any of the events. Exhibits will be set up in the wing areas during specified hours. Private parties would be held after hours during the Super Bowl weekends, and a firewatch would be provided during these events. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (36) 11-11-40 NFL on Location, Indianapolis

Lori McAllister-Antol, M Group Scenic Studios, spoke as proponent. The request was to be allowed to use the southwest storage room space in Lucas Oil Stadium, with the existing exiting, on Super Bowl Sunday for three hours. Attendance was limited to ticketed guests only, and a 2-person firewatch was to be maintained during the three hours. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

12. Third Party Inspections – Lonnie Lagle, Fire and Building Code Enforcement

Professional Service Industries
1748 33rd Street
Orlando, Florida 32839

Lonnie Lagle, Fire and Building Code Enforcement, advised the Commission that the applicant was in good standing and recommended approval. Commissioner Christoffersen moved to approve for a period of one year, with the second by Commissioner Brown. It was voted upon and carried.

13. Ordinances – Shelly Wakefield, Manager, Code Technical Development

Building Code Ordinance No. 091311B
McCordsville, Indiana

Shelly Wakefield, Manager, Code Technical Development, advised the Commission that the ordinance had been reviewed and recommended for approval. Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

14. Discussion and Possible Commission Action – Nonfinal Orders of Dismissal

Water Dance Apartments
Administrative Cause No. 11-26
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Indiana Masonic Home Assisted Living Facility
Administrative Cause No. 11-23
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Kilroy's Bar N' Grill
Administrative Cause No. 11-17
Order – Fire and Building Code Enforcement
Nonfinal Order of Administrative Law Judge

Commissioner Cloud moved to affirm the Nonfinal Order of Dismissals and the Notice of Nonfinal Order of the Administrative Law Judge. Commissioner Brenner made the second. It was voted upon and carried.

15. Discussion and Possible Commission Action – Appeals

Robin's Nest Childcare
Order – Fire and Building Code Enforcement

Geist Chapel Addition
Condition of variance 11-09-35

Blu Martini
Order – Indianapolis Fire Department

Applied Behavior Center for Autism
Order – White River Township Fire Department

Glidden Furniture
Order – Elevator and Amusement Safety Division

All appeals were timely filed. Commissioner Hawkins moved to grant all of the appeals, with the second by Commissioner Christoffersen. It was voted upon and carried.

16. Comments

Mara Snyder, Director, Legal and Code Services, noted that copies of a recent non-rule policy issued by State Fire Marshal James Greeson had been given to members of the Commission. She then gave the floor to Commissioner Christoffersen. He requested a supplemental motion to the adoption of LSA Doc #11-84. He explained that additional time was needed to set up and conduct training classes for members of the industry. He asked that the effective date after filing with the Publisher be ninety (90) days instead of thirty (30) days. Commissioner Cloud made the motion to extend the effective date to 90 days, with the second by Commissioner Hawkins. It was voted upon and carried.

17. **Adjournment.**

Vice-Chairman Ogle called for further business, and upon hearing none, adjourned the meeting at 1:40 p.m.

APPROVED _____
David Hannum, Chairman